

1 The Honorable Lony R. Suko
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15 UNITED STATES DISTRICT COURT
 16 EASTERN DISTRICT OF WASHINGTON

17 DOYLE WHEELER and CARRI)
 18 WHEELER, husband and wife,)
 19 individually and on behalf of similarly) NO. CV-10-202-LRS
 20 situated Washington residents,)
 21 Plaintiffs,) CLASS ACTION
 22 v.)
 23 NOTEWORLD, LLC, d/b/a) DECLARATION OF
 24 NOTEWORLD SERVICING CENTER, a) MATTHEW J. ZUCHETTO IN
 25 Delaware limited liability company;) SUPPORT OF PLAINTIFFS'
 26 NATIONWIDE SUPPORT SERVICES,) MOTION TO COMPEL
 27 INC., a California corporation;)
 28 FREEDOM DEBT CENTER, a California) Without Oral Argument
 29 corporation; and JOHN AND JANE) November 28, 2011
 30 DOES A-K,)
 31 Defendants.)
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33 DECLARATION OF MATTHEW J. ZUCHETTO IN
 34 SUPPORT OF PLAINTIFFS' MOTION TO COMPEL: 1

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1 MATTHEW J. ZUCHETTO makes the following declaration:

2 1. I am one of the attorneys of record for Plaintiffs in the above-
3 captioned action. I am over the age of 18 and competent to testify and provide the
4 following information of my own personal knowledge.

5 2. Attached hereto as Exhibit "A" is a true and correct copy of excerpts
6 of Defendant Nationwide Support Services, Inc.'s Responses and Objections to
7 Plaintiffs' First Interrogatories and Second Requests for Production (Interrogatory
8 Nos. 2, 3, 4 and 5 and Request for Production Nos. 1, 4, 6 and 26), which
9 responses were served on Plaintiffs on September 1, 2011.

10 3. Attached hereto as Exhibit "B" is a true and correct copy of excerpts
11 of Defendant Nationwide Support Services, Inc.'s Responses and Objections to
12 Plaintiffs' First Set of Requests for Production of Documents (RFP Nos. 3 through
13 5), which responses were served on Plaintiff on April 13, 2011.

14 4. I certify that counsel for Plaintiffs have in good faith conferred with
15 counsel for Defendant Nationwide in efforts to obtain the discovery responses
16 without court action.

17 5. In view of Defendant Nationwide's failure to produce the information
18 and documents requested in the above discovery, in August, 2011, I requested of
19 Nationwide's counsel an opportunity to meet and confer regarding those failures.

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DECLARATION OF MATTHEW J. ZUCHETTO IN
SUPPORT OF PLAINTIFFS' MOTION TO COMPEL: 2

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A PROFESSIONAL SERVICE CORPORATION
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1 6. A telephonic conference, thereafter, occurred on August 18, 2011, at
2 which time counsel met and conferred regarding outstanding discovery disputes.
3
4 In response to this telephone conference and subsequent emails, Plaintiffs' counsel
5 prepared and circulated a Stipulation and Proposed Protective Order concerning
6 the document production.

7 7. A second telephonic conference occurred on September 16, 2011, at
8 which time counsel met and conferred regarding Defendants' discovery responses.
9 Counsel specifically discussed Defendant's unwillingness to provide material and
10 information regarding other Class members and related entities.

11 8. Counsel also exchanged written correspondence in good faith efforts
12 to obtain the discovery.

13 9. On October 14, 2011, Plaintiffs' Counsel further provided counsel for
14 Nationwide with a copy of this Court's Order in the *Carlsen v. Global Client*
15
16 *Solutions*, Case 2:09-cv-00246-LRS, ECF No. 134.

17 10. Notwithstanding the efforts detailed above, Defendant Nationwide
18 persists in its refusal to respond Plaintiffs' discovery requests, as set forth in its
19 objections and detailed in Plaintiffs' Memorandum in Support of Plaintiffs' Motion
20 to Compel.

11. Accordingly, despite Plaintiffs' good faith attempts to obtain discovery without judicial intervention, the matters addressed in Plaintiffs' accompanying Memorandum in Support of Plaintiffs' Motion to Compel remain discovery issues of disagreement between the parties that require intervention of this Court.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

Executed at Spokane, Washington, this 28th day of October, 2011.

~~MATTHEW J. LUCHETTO~~

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

John Ray Nelson

nelsj@foster.com
mccap@foster.com

Todd L. Nunn

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kim.nesel@klgates.com

James Bernard King

jking@ecl-law.com
kschulman@ecl-law.com

EXECUTED this 28 day of October, 2011, at Spokane, Washington.


SAMANTHA SIMATOS-BAESCHLIN
of The Scott Law Group, P.S.

DECLARATION OF MATTHEW J. ZUCHETTO IN
SUPPORT OF PLAINTIFFS' MOTION TO COMPEL: 5

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